

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)
AURIO A. MATOS)
LLOYD SANTIAGO-SANTOS and LOURDES)
RODRIGUEZ BONET)
For Construction Permit for a New)
FM Station on Channel 293A in)
Culebra, Puerto Rico)

MM Docket No. 93-89

File No. BPH-911114MS

File No. BPH-911115MP

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AUG - 9 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

PETITION TO ENLARGE ISSUES

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Dated: August 9, 1993

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SUMMARY

Commission rules require applicants to establish and maintain public files in the proposed community of license. Notice of the availability of such files for public inspection must be published in a local newspaper, and the notice must contain the location within the community of license where the public file is being kept. Applicant Santiago and Rodriguez admitted at their depositions that they had not established a public file in Culebra, the proposed community of license, until June 23, 1993, some eighteen months after their application was filed. The testified at deposition that the public file had at that later date been established in the Alcaldie or City Hall.

To date, Santiago and Rodriguez have not filed any type of § 1.65 amendment to report the error they had made in not having a public file in Culebra, or their alleged corrective measures. There is also no evidence to suggest that they have published local notice of the establishment of the public file in Culebra.

Matos petitions the Presiding Judge to specify issues against Santiago and Rodriguez concerning their violations of Commission Rules relating to (a) the establishment and maintenance of public files, (b) the publication of local notice concerning the availability (location) of such files for inspection and (c) the affirmative duty of applicants to report substantial changes in information concerning their applications.

This Petition also seeks the specification of a misrepresentation issue. Competing applicant Matos went to Culebra

to inspect the public file of Santiago and Rodriguez and was unable to find anyone in the Alcaldie who had knowledge of the existence of such a file. The Alcalde (Mayor) of Culebra signed a statement indicating that he is unaware of any documents having been filed in the Alcaldie concerning the Santiago and Rodriguez application.

Based on the Matos Declaration and the statement of the Alcalde, a misrepresentation issue against Santiago and Rodriguez should be specified since there is no evidence that said applicant did establish a public file in Culebra, as Santiago and Rodriguez testified had been done.

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PETITION TO ENLARGE ISSUES

Aurio A. Matos ("Matos"), by his counsel and pursuant to § 1.229 of the Commission's Rules, 47 C.F.R. § 1.229, requests the designation of the following issues against applicant Lloyd Santiago-Santos and Loudres Rodriguez Bonet ("Santiago and Rodriguez"):

To determine whether Santiago and Rodriguez have maintained their public file in accordance with § 73.3526(d) of the Commission's Rules.

To determine whether Santiago and Rodriguez have complied with § 1.65 of the Commission's Rules which requires applicants to promptly report substantial and significant changes in information contained in their applications.

To determine whether or not Santiago and Rodriguez have complied with § 73.3580 of the Commission's Rules concerning local public notice of the location of an applicant's public files.

To determine whether Santiago and Rodriguez abused Commission processes by misrepresenting certain facts concerning the establishment and maintenance of their public file during depositions taken during the course of this proceeding, and the effect such misrepresentations have on their basic qualifications to be Commission licensees.

To determine whether, in light of their pattern of violation and disregard for the Commission's Rules, Santiago and Rodriguez possess the qualifications to be

Commission licensees.

In support of the instant petition, Matos states as follows:

I. PROCEDURAL MATTERS

The Petition is Timely Filed

1. Section 1.229(b)(3) of the Commission's Rules provides for the filing of motions to enlarge issues based upon new facts or newly discovered facts within fifteen days after such facts are discovered by the moving party. 47 C.F.R. § 1.229(b)(3). The Commission has held that a petition to enlarge filed within 15 days of receipt by the moving party of the necessary information to support the motion is timely. Muncie Broadcasting Corp., 54 RR 2d 42, 45, n. 15 (1983).

2. Matos first became aware of the location of the public file of Santiago and Rodriguez when he received their Statement of Publication on June 23, 1993. The Statement indicated the file was not being kept within the proposed community of license, but instead was being kept in Cataño, a suburb of San Juan, Puerto Rico. Depositions were scheduled to be taken in Puerto Rico that same week, and Matos used this as an opportunity to determine who was responsible for the establishment and maintenance of the public file, whether the public file Santiago and Rodriguez maintained in Cataño was the only public file being maintained and if any corrective measures had been taken since publication in the newspaper.

3. The transcripts of those depositions were received by undersigned counsel on July 22, 1993. Fifteen days from that date was August 6, 1993. However, because Written Direct Cases, and a

Reply to Opposition to Petition to Enlarge were both due from Matos on that same date, with the incumbent translation problems, the instant petition is being filed one business day after the expiration of the fifteen day period. ^{1/} In an effort to mitigate any potential disruption, the Petition and required Contingent Discovery Request will be hand-served on all interested parties.

II. FACTS SUPPORTING THE REQUESTED ISSUES

4. On June 22, 1993, Santiago and Rodriguez filed with the Commission, and served by mail on Matos, a Statement of Publication (the "Statement"). The Statement recited that, in compliance with Commission Rules, Santiago and Rodriguez had published local public notice of the designation of the above-referenced applications for hearing. Attached to the Statement was the Affidavit of the Classified Director for the newspaper "Vocero de Puerto Rico" verifying the text of the announcement that had run in the newspaper four times in the month of May 1993. A copy of the Affidavit is attached as Exhibit A.

5. The notice, as it ran in the newspaper, stated that:

A copy of Lloyd Santiago-Santos and Loudres Rodriguez Bonet's application, all amendments thereto and related material are on file for public inspection at Marina Bahia Plaza 9 RB-35, Cataño, PR during regular business hours. (emphasis added)

Cataño is a suburb of San Juan, located a great distance (some 40 miles) from Culebra, which is an island off the eastern coast of

^{1/} In addition to the other pleadings, a new photocopying machine was installed in counsel's suite of offices, resulting in several hours in the afternoon where no duplication facilities were available in the office.

Puerto Rico. As can be seen from a review of the 1 mV/m coverage map in the Predicted Coverage Contour Exhibit of the Santiago and Rodriguez application (copy attached for convenience as Exhibit B), Cataño is not located on Culebra (and not even within the 1 mV/m contour of their proposed station).

6. The depositions of Lloyd Santiago and Lourdes Rodriguez were taken on June 24th. During these depositions Santiago and Rodriguez were questioned about the establishment and maintenance of the public file. Rodriguez testified that establishment and maintenance of the public file was her responsibility as the purported general manager of the new facility. (Rodriguez Deposition ("RD"), p. 19-20) (copy attached as Exhibit B) She testified that until June 23, 1993, there was no public file in Culebra. (Id.) The only public file in existence prior to that date was the one in Cataño. (Id.) According to Rodriguez, the public file in Culebra was established at the city's "Alcaldia" (or City Hall). (Id.) Santiago confirmed that no attempt had been made to establish a public file in Culebra until the day before his deposition, Wednesday, June 23, 1993, more than eighteen months after the filing of the Santiago and Rodriguez application. (Santiago Deposition ("SD"), p. 30) (copy attached as Exhibit D).

7. On August 2, 1993, Matos travelled to Culebra to inspect the public file of Santiago and Rodriguez. He went to the Alcaldia and to his surprise was told by several persons there that, to their knowledge, no such file exists. See Declaration of Aurio Matos, attached as Exhibit D. Matos then went to the Mayor of

Culebra, who had no knowledge of the existence of such a file, either. Id. Matos asked the Mayor to provide something in writing to memorialize the fact that as of August 2, 1993, he was not aware of any public file concerning the application of Santiago and Rodriguez being kept in the Alcaldia. See Declaration of Hon. Anasyacio Soto Ayala, attached as Exhibit F, with translation appended thereto.

8. Santiago and Rodriguez have neither amended their application nor reported to the Commission otherwise, that the public file as initially established was not in compliance with the rules. Nor has there been any notice to the Commission of any corrective measures. Likewise, no evidence of publication of local notice of the public file's location in Culebra has been provided. Wherever the public file of Santiago and Rodriguez is now, they have violated several important F.C.C. rules. This, compounded with past rule violations, ^{2/} adequately demonstrates that the issues requested in the instant petition should be added to determine the fitness of Santiago and Rodriguez to be licensees.

III. ARGUMENT

A. The Public File Issue

9. Section 73.3526(d) of the Commission's Rules provides

^{2/} See Petition to Enlarge Issues filed by Matos against Santiago and Rodriguez on May 14, 1993. The Petition sought the addition of a Section 1.65 reporting issue and a real party-in-interest issue. The Presiding Judge denied the Petition, stating that "a pattern of repeated, willful violations of the Commission's reporting requirements" had not been demonstrated. Matos contends that the facts set forth in that Petition, coupled with the facts set forth in the instant Petition form the basis for the finding of such a "pattern."

that the public file "... shall be maintained ... at any accessible place in the community to which the station is or is proposed to be licensed." 47 C.F.R. § 73.3526(d). For more than eighteen months after their application was filed, Santiago and Rodriguez failed to comply with the public file rule. This is not the case of a novice broadcaster, represented by attorneys who are not savvy in the ways of the F.C.C. This is the case where people from an experienced family of broadcasters, who seek credit for their past broadcast experience, have violated a fundamental Commission rule for more than a year and a half. Further, Santiago and Rodriguez are represented by experienced communications attorneys who have represented Mr. Santiago's family in its F.C.C dealings for many years.

10. To compound the matter, Santiago and Rodriguez testified at their depositions that they had established a public file in Culebra in compliance with the rules. However, they have offered no evidence of the existence of such a file, and in fact, an attempt to inspect the file at its purported location has resulted in assertions that the Santiago and Rodriguez public file in Culebra does not exist!

11. In Jimmie H. Howell, 46 FCC 2d 1150 (Rev. Bd. 1974), the Board declined to add a similar issue. However, in declining to add the issue, the Board found the following mitigating facts: (1) the applicant did not initially realize that the file had to be located in the proposed community of license; (2) upon discovery of the error, (a discovery that the Board found was made after only a

"short period of time") the file was promptly moved to the community of license; (3) notice of the new location was promptly published; and (4) the applicant's claim of inadvertence was "neither challenged nor unreasonable." Id. at ¶¶ 13-14. None of those mitigating circumstances have been demonstrated in the instant case.

12. No evidence was presented at the deposition to indicate that Santiago and Rodriguez' failure to properly establish and maintain its public file was due to inadvertence. In fact, there is evidence to suggest that, as members of an experienced broadcast family, with each claiming past broadcast experience enhancement credit, they knew or should have known where the rules required their public file to be located. In Howell, the applicant discovered its mistake after what the Board characterized as a "short period of time", and the applicant's claim of ignorance as innocence was not unreasonable. These two mitigating factors are not present in the instant case. Eighteen months is not a "short period of time", especially for experienced broadcasters, and Santiago and Rodriguez offered no explanation at deposition as to why the file was not established properly.

13. The facts of the instant case and the evidence presented by Matos present circumstances similar to those in Visionary Radio Euphonics of Lake County, Inc., 55 RR2d 269 (ALJ 1984). In that case, a public file issue was specified against an applicant who published notice of the availability of its public file for inspection at a public library in the community of license.

Opponents obtained affidavits from the reference librarian at the library stating that she had no knowledge of the applicant's public file being in the library. The ALJ on that evidence added a public file issue.

14. Matos' Declaration combined with the statement of the Alcalde of Culebra provide a sufficient prima facie case for the addition of the public file issue. 47 C.F.R. § 1.229(d).

15. The instant case is further distinguished from the situation in Howell, because the applicant there promptly published local notice of the new location of its public file. Proof of publication of that notice was subsequently filed with the Commission. There has been no such demonstration here, but rather only an unsubstantiated claim by Santiago and Rodriguez that they have established a public file in compliance with § 73.3526(d) of the Rules, without evidence to support the claim.

16. The requested public file issue must be added so that the present location(s) of the public file(s) of Santiago and Rodriguez can be determined. Also, evidence of the exact dates that the public files were established is critical to the resolution of the other requested issues, including the requested misrepresentation issue.

B. The Publication Issue

17. Assuming for the moment that the Santiago and Rodriguez public file was, in fact, moved or established in Culebra on June 23, 1993, then they have failed to comply with the requirements of § 73.3580 of the Commission's Rules concerning local public notice.

This section of the rules states that applicants for new FM facilities must publish notice of the filing of their application in a local newspaper serving the community of license. The notice as published must contain, among other things, "a statement that a copy of the application, amendments and related material are on file at a stated address in the community in which the station is located or is proposed to be located." 47 C.F.R. §73.3580(f)(9).

18. When they filed their application, Santiago and Rodriguez certified that they would comply with the public notice requirements of §73.3580. See Form 301 Application of Santiago and Rodriguez, Section VII, item 2. Their application was filed on November 15, 1991, and publication of local notice of the filing of the application was required to be completed within 30 days of the tendering of the application. 47 C.F.R. § 73.3580(c).

19. According to their deposition testimony, a public file in the community of license (Culebra) was not established until June 23, 1993, long past the expiration of 30 days from the tendering of their application. Thus, the notice, as published by Santiago and Rodriguez was defective. Furthermore, they took no corrective action for approximately seventeen months.

20. In addition, Santiago and Rodriguez were required to publish local notice of the designation of their application for hearing. 47 C.F.R. § 73.3594. As part of that local notice, the applicant is required to include a statement that "... a copy of the application, amendment(s), and related material are on file for public inspection at a stated address in the community in which the

station is located or proposed to be located." 47 C.F.R. § 73.3594(d)(5). Within seven days of the last day of publication, proof of publication is required to be filed with the Commission. The filing includes the text of the notice as it ran in the newspaper along with the dates that it was published. 47 C.F.R. § 73.3594(g). The failure to comply with § 73.3594 of the rules is cause for dismissal of an application. 47 C.F.R. §73.3594(h).

21. Santiago and Rodriguez filed their statement of publication of local notice of hearing with the Commission on June 22, 1993. Because there was no public file in the proposed community of license before, at, or possibly even after that time, the notice, as published, was defective. The faulty notice is grounds for dismissal of the application, especially in light of the fact Santiago and Rodriguez have not offered any evidence to demonstrate that they have provided notice of the availability of their public file for inspection in the proposed community of license.

22. Some six weeks have passed since Santiago and Rodriguez testified that they had established a public file in Culebra, and there is still no evidence that they have taken any actions to correct the defective notice by republishing local notice in a newspaper that serves the proposed community of license (Culebra), with the proper location of their public file in Culebra. In fact, since announcing that they had established a new public file in Culebra on June 23, 1993, no amendments to their application have been filed.

C. The § 1.65 Reporting Issue

23. The Commission requires applicants to promptly report "substantial and significant changes in information" provided in applications. 47 C.F.R. § 1.65. The rule places the responsibility for the continuing accuracy and completeness of information contained in applications on the applicant. Id. When "information furnished in the pending application is no longer substantially accurate and complete" or "whenever there has been a substantial change as to any other matter which may be of decisional significance" an applicant shall "as promptly as possible and in any event within 30 days" update the amended information or report the change. Id.

24. Santiago and Rodreguiz have not amended their application to report either (a) their error in not establishing a public file in the proposed community of license, (b) their eventual establishment of such a file or (c) any efforts made to provide local public notice of the establishment of the public file in the community of license. According to their deposition testimony, the new public file in Culebra was established on June 23, 1993. To date, six weeks later, that event has not been reported. Publication of notice of the establishment of the public file should have been completed within 30 days of establishment, and no amendment has been filed to report the commencement of such publication, or why such publication has not taken place.

25. The § 1.65 violations concerning the public file, by themselves, might not rise to a separate issue, but, when coupled

with the previous disregard for the Commission's reporting rules demonstrated by Santiago and Rodriguez, a continuing pattern of willful disregard of Commission rules emerges. When such a pattern exists, the result is a finding that the applicant does not possess the basic qualifications to be a licensee. WABZ, Inc., infra.

D. There Is Now Evidence of Repeated Willful Violations
of the Commission's Reporting Requirements

26. A reporting issue will be added upon a prima facie showing that "a pattern of carelessness or inattentiveness is present." Merrimack Valley Broadcasting, Inc., 55 RR 2d 23 (1983). In WABZ, Inc., 51 RR 2d 1507 (1982), aff'd. sub nom, Victor Broadcasting, Inc., 772 F.2d 756 (D.C. Cir. 1983), the Commission assessed a moderate comparative demerit based on an applicant's "inattention to our reporting requirements." The Commission found that where all violations were the result of "mere inadvertence", reporting rule transgressions could not result in the dismissal of an applicant, however, upon demonstration on an intent to deceive or conceal pertinent information from the Commission, dismissal could be the appropriate remedy.

27. In light of the their continuing and repeated violation of § 1.65 of the Rules, the reporting issues must be added against Santiago and Rodriguez. Designation of the issue will allow investigation into the deliberateness of the failure to comply and the actual number of instances where Santiago and Rodriguez have failed to be diligent. Matos has brought this issue to light before, and at the time, the Presiding Judge did not find a "pattern" of disregard of the reporting rule. Now, even after

having been warned that failure to comply with § 1.65 could lead to the designation of a special issue, Santiago and Rodriguez still do not regard the provisions of § 1.65 as important enough to comply with.

E. The Misrepresentation Issue

28. Finally, a misrepresentation issue must be specified against Santiago and Rodriguez because the testimony they offered at deposition is at variance with the facts established by Matos on his visit to Culebra on August 2, 1993. The representation by Santiago and Rodriguez that a public file had been established in Culebra as of June 23, 1993, has now been challenged and, consistent with Commission precedent, the requested misrepresentation issue should be added to determine whether and where their public file is available for inspection in Culebra, and for how long it has been available. See Las Americas Communications, Inc., 68 RR 2d 1472 (1991) (misrepresentation issue added against an applicant when substantial and material questions about its representation as to how diligently the public file was maintained and the cause or duration of the unavailability of the file).

IV. CONCLUSION

29. Matos' timely filed Petition raises substantial and material questions of fact concerning the establishment and maintenance of Santiago and Rodriguez' public file. It is undisputed that until June 23, 1993, Santiago and Rodriguez were in

violation of § 73.3526(d) of the Commission's Rules because they had not established a public file in the proposed community of license. Their representation, under oath, that on June 23, 1993, such a file was established in Culebra has been challenged by the declaration of the Alcalde of Culebra and Matos. Santiago and Rodriguez have demonstrated a cavalier attitude towards the Commission's reporting rules since the beginning, and such patterns, when established, can adversely affect the comparative standing of an applicant. Matos has made the threshold prima facie showing for the requested issues and the Presiding Judge should specify the requested issues.

WHEREFORE, the premises considered, the requested issue should be designated against applicant Santiago and Rodriguez.

Respectfully submitted,
AURIO A. MATOS

By: 

John B. Kenkel

By: 

Scott C. Cinnamon

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Suite 200

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(202) 659-4401

His Counsel

August 9, 1993



AFFIDAVIT

TEL. 809-721-2300

PUBLIC ANNOUNCEMENT

PUBLIC ANNOUNCEMENT Pursuant to Section 73.3594 of the Federal Communications Commission, ("FCC"), public notice is hereby given that the FCC has designated for hearing two applications for construction permit to build a new FM Broadcasting Station on Channel 293.4 to serve Culebra, Puerto Rico. The applications are: Aurio A. Matos and Lloyd Santiago-Santos and Lourdes Rodriguez Bonet. The hearing will be held at the Federal Communications Commission, 2000 L Street, N.W., Washington, D.C. on August 24, 1993 at 10 a.m. The following issues have been designated: (1) To determine which of the proposals would, on a comparative basis, best serve the public interest; (2) To determine, in light of the evidence adduced pursuant to the specified issues, which of the applications should be granted, if any. A copy of Lloyd Santiago-Santos and Lourdes Rodriguez Bonet's application, all amendments thereto and related material are on file for public inspection at Marina Bahia Plaza 9 RBB-35, Cataño, P.R. during regular business hours. (ED-30329)

I, José R. Marcos Zorrilla, Classified Director of the newspaper El Vocero de Puerto Rico, Inc. published in San Juan, Puerto Rico, having been duly sworn, swear:

That in the edition (s) of El Vocero de Puerto Rico corresponding to the date (s) May 12, 13, 19, 20, 1993

in the above mentioned case, copy of which is attached to this affidavit, and which forms part of the same.

San Juan, Puerto Rico

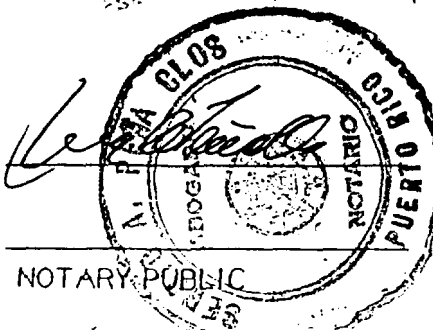
José R. Marcos Zorrilla
José R. Marcos Zorrilla
Classified Director

AFFIDAVIT NO. 6943 of the Register.

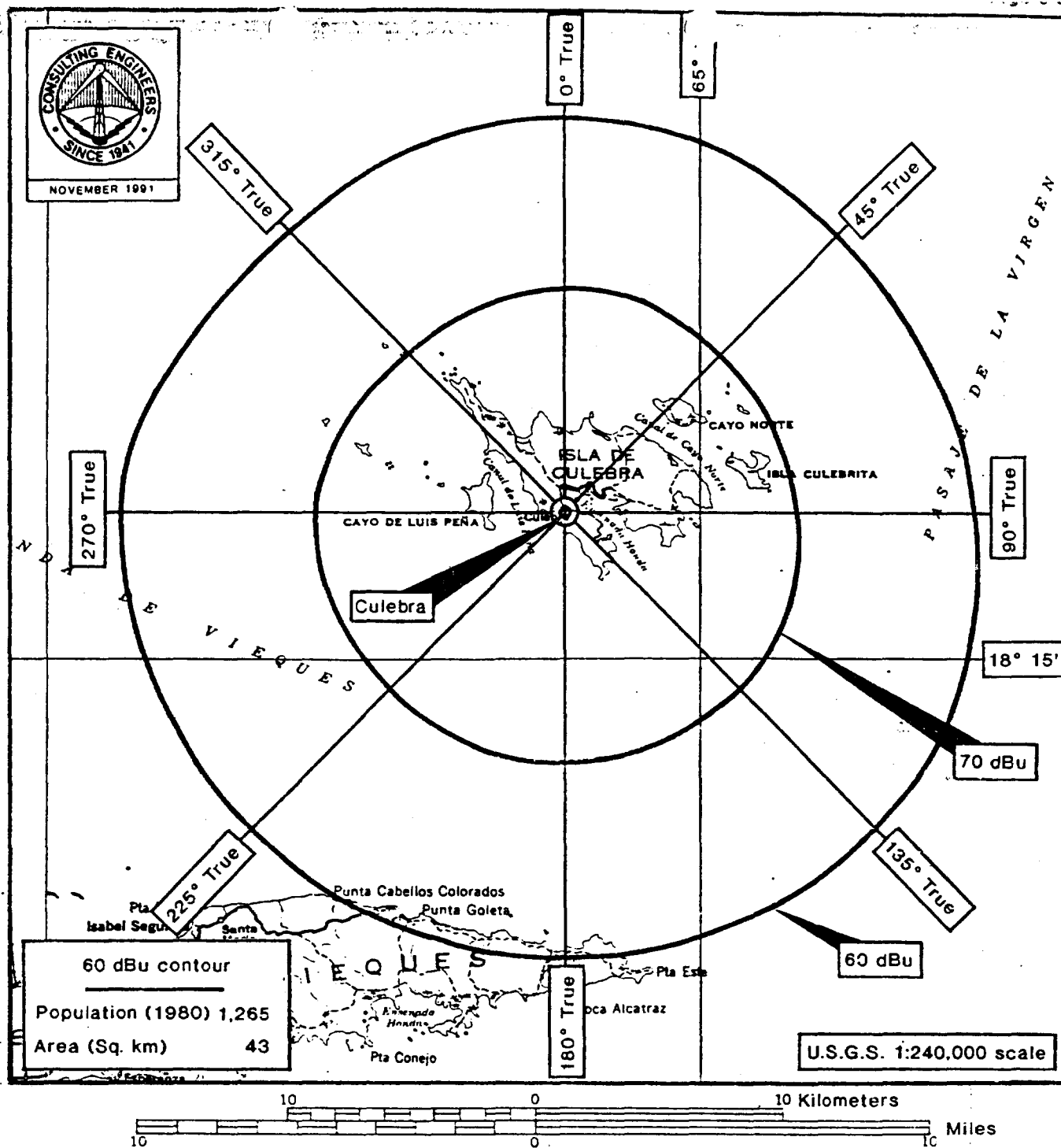
Sworn to and testified before me by José R. Marcos Zorrilla, Classified Director, of legal age, married, employed by the newspaper El Vocero de Puerto Rico, resident of this city, who is personally known by me.

San Juan, Puerto Rico

25 de mayo de 1993



NOTARY PUBLIC



PREDICTED COVERAGE CONTOURS

LLOYD SANTIAGO-SANTOS
AND LOURDES RODRIGUEZ BONET
CULEBRA, PUERTO RICO
CH 293A 6 KW 25 M

duTreil, Lundin & Rackley, Inc. Washington, D.C.

1 is a document from the Federal Aviation Administration in
2 Atlanta, addressed to your husband and yourself?

3 A Uhum, yes.

4 Q It indicates the receipt of the your notice of
5 proposed construction authorization dated November 1991.
6 Have you received any subsequent communication from the FAA?

7 A I don't think so; I don't recall having received
8 anything else.

9 Q Could you please take a moment to review that
10 paragraph that begins "Your proposal has been assigned
11 aeronautical study number"?

12 A Uhum.

13 Q You don't recall having any other communication
14 with the FAA about this aeronautical study that's referred
15 to in that paragraph?

16 A No, I don't recall.

17 Q Do you know whether your husband has?

18 A I don't know.

19 Q Ms. Rodriguez, your application has a public file;
20 isn't that correct?

21 A Yes, it does.

22 Q Who is responsible for establishment and
23 maintaining the file?

24 A Myself, the general manager, the proposed general
25 manager.

1 Q Where is the public file located?

2 A We have one at Marina Bahia, Cataño, and we have
3 one at Culebra.

4 Q Where in Culebra is your file located?

5 A City Hall, Culebra, Puerto Rico.

6 Q The "alcaldía"?

7 A Yes.

8 Q When was the file at the "alcaldía" established?

9 A Yesterday.

10 Q And by "yesterday" you mean June 23, 1993?

11 A That is correct.

12 Q I'd like to turn you to a handwritten document, a
13 three page document entitled Contrato de Arrendamiento?

14 A Uhum.

15 Q Do you recognize whose writing this is?

16 A It must be my husband's or --, it must be my
17 husband's.

18 MR. HILL: Counsel, just for clarification,
19 do you mean the writing that constitutes the text
20 of this document and the signatures?

21 MR. GAVIN: That's correct.

22 EXAMINATION CONTINUED

23 BY MR. GAVIN:

24 Q Whose writing constitutes the text of that
25 document?

1 Q Mr. Santiago, there is a public file for your
2 application, is there not? A public inspections file?

3 A Yes.

4 Q Is it not correct that until yesterday, the only
5 copy of that file was located in Cataño?

6 A Yes, sir.

7 Q Would you please turn to a document entitled
8 Contrato de Arrendamiento?

9 A Yes, sir.

10 Q My copy is not very legible, so I'm going to ask
11 you; do you know who wrote this out?

12 A Yes, sir.

13 Q Who wrote it out?

14 A I am.

15 Q You did?

16 A Yes, sir.

17 Q My copy is not very legible, so I'm going to ask
18 you to read this slowly so that I can make notations as we
19 go, please?

20 A Yes, sir. The heading is "Contrato de
21 Arrendamiento. De una parte, Don Joseph G. A. Fournier,
22 soltero, vecino de Culebra, mayor de edad, con el número de
23 Seguro Social 016-30-8279, con capacidad legal suficiente
24 que probará en cualquier momento, de ser requerido. De la
25 otra parte, Don Lloyd M. Santiago, vecino de Cataño, casado,

EXHIBIT 1
Página 1

DECLARACIÓN

Yo, Aurio A. Matos, bajo pena por comisión de perjurio y según Sección 1.16 de las reglas de la Comisión, declaro lo siguiente:

1. Mis abogados me han informado que Santiago y Rodríguez, mis competidores en el proceso comparativo para Culebra, establecieron el 23 de junio de 1993 un archivo público en la Alcaldía de Culebra.

2. El 2 de agosto de 1993, ^{vía} volé a Culebra con mi esposa para hacer una inspección del archivo público de Santiago y Rodríguez. Visité la Alcaldía pero no pude localizar ningún archivo público de Santiago y Rodríguez. Durante mi visita a la Alcaldía, hablé con el Secretario del Municipio, el Secretario de la oficina de Turismo, y el Alcalde de Culebra. Todos me dijeron que no tuvieron ninguna información de un archivo público establecido por Santiago y Rodríguez.

3. Yo solicité del Alcalde algo escrito para verificar que ^{El NO tuvo} ~~tenía~~ ninguna información del archivo público de Santiago y Rodríguez en la Alcaldía.

Fecha: August 5, 1993


Aurio A. Matos

DECLARATION

I, Aurio Matos, under penalty of perjury and pursuant to Section 1.16 of the Commission's Rules do hereby declare:

1. I was informed by my attorneys that my competitors in the Culebra comparative hearing, Rodriguez and Santiago, had established a public file at the Alcaldia in Culebra on June 23, 1993.

2. On August 2, 1993, I flew to Culebra with my wife to inspect the public file of Santiago and Rodriguez. I visited the Alcaldia and was unable locate the public file of Santiago and Rodriguez. During my visit at the Alcaldia, I spoke with the Secretary Municipal, the Secretary of the Tourism Office, and the Mayor of Culebra, himself. All of them said that they had no information about any public file established by Santiago and Rodriguez.

3. I asked the Mayor to provide for me something in writing to verify that he does not have any information about the location of the public file of Santiago and Rodriguez in the Alcaldia.

Date:

Aurio Matos

ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO MUNICIPAL DE CULEBRA
OFICINA DEL ALCALDE
CULEBRA, PUERTO RICO 00775

2 de agosto de 1993

A Quién Pueda Interesar:

Por este medio les estamos notificando, que a la fecha de hoy lunes 2 de agosto de 1993, no hemos recibido documentación alguna del Sr. Lloyd Santiago y Lourdes Rodríguez, con relación al establecimiento de una emisora radial en la Isla Municipio de Culebra.

A la fecha de hoy, la única documentación que hemos recibido han sido la del Sr. Aureo A. Matos Barreto y la de Clamor Broadcasting Network Inc., con estos propósitos.

Cordialmente:

Anastacio Soto Ayala
Hon. Anastacio Soto Ayala
Alcalde

